



## Staff Report

STAFF REPORT DATE: August 20, 2019

1ST READING DATE: September 3, 2019

2ND READING DATE: September 10, 2019

TO: City Council

FROM: Lauren Russell, Associate Planner

PROPOSAL: **14070 SW Butner Road Annexation (ANX2019-0005)**

SUMMARY: Expedited annexation of one parcel of land and right of way adjacent to the property; withdrawal of the property from the Tualatin Valley Water District, the Washington County Enhanced Sheriff's Patrol District, and the Washington County Urban Road Maintenance District; and addition of the property to the Five Oaks/Triple Creek Neighborhood Association Committee.

LOCATION: The site is at 14070 SW Butner Road and is identified as tax lot 01900 on Washington County Tax Assessor tax map 1S104CB.

TOTAL AREA: Approximately 0.69 acres

TAXABLE ASSESSED VALUE:

OWNER / APPLICANT: Matar Khalfan Al Romaith  
14070 SW Butner Road  
Beaverton, OR 97006

APPROVAL CRITERIA: Metro Code 3.09.045

RECOMMENDATION: Adopt an ordinance annexing one parcel of land and right of way adjacent to the property; withdrawing the property from the Tualatin Valley Water District, the Washington County Enhanced Sheriff's Patrol District, and the Washington County Urban Road Maintenance District; and adding the property to the Five Oaks/Triple Creek Neighborhood Association Committee, effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or 30 days from the date the ordinance is signed, whichever is later.

## **BACKGROUND**

The subject property is developed with a single-family detached home. It is 500 feet north of the intersection of SW Butner Road and SW Walker Road. The surrounding neighborhood contains a mix of single-family detached homes, multifamily apartments, and a limited amount of low-scale commercial development. A large campus-style office development is southwest across SW Walker Road and a middle school is northwest of the subject property.

The subject property is in unincorporated Washington County. On May 28, 2019, the property owner submitted a Petition for a Consent Annexation to the City of Beaverton. Under ORS 222.125 and Metro Code 3.09.045, consent to annex on the part of the landowner allows this proposal to be processed as an expedited annexation. Under this state law, annexations that are owner-initiated do not require a public hearing.

## TABLE OF CONTENTS

<b>Metro Code Section 3.09.045 Expedited Decisions</b>	<b>SR-5 – SR-11</b>
<b>Legal Description for Annexation 2019-005</b>	<b>Attachment A</b>
<b>Legal Description for Right of Way for Annexation 2019-005</b>	<b>Attachment B</b>
<b>Map</b>	<b>Attachment C</b>

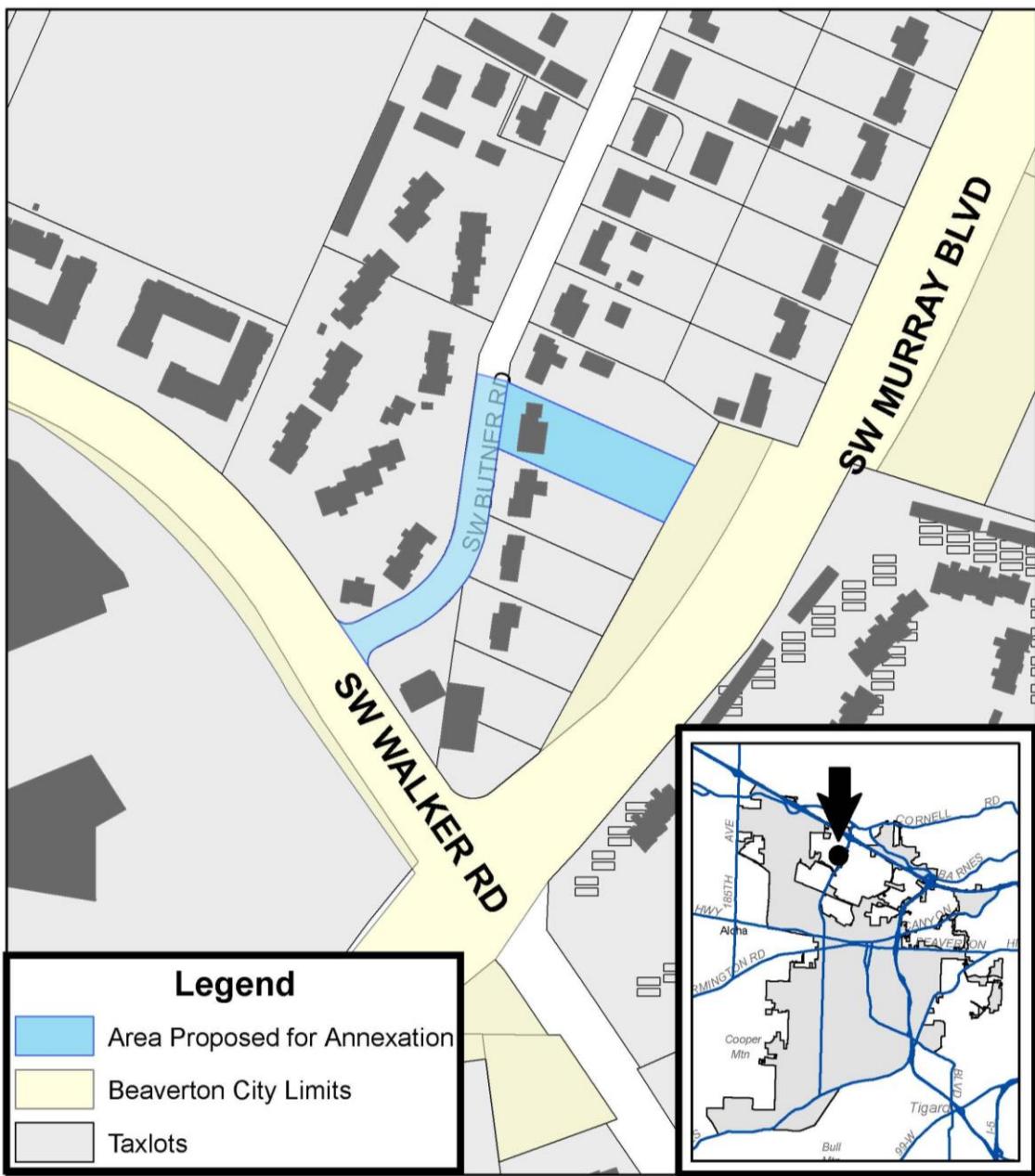
### Exhibits

#### **Exhibit 1. Materials Submitted by Staff**

Exhibit 1.1 Vicinity Map (page SR-4)

#### **Exhibit 2. Public Comment (none received)**

# VICINITY MAP



	<b>14070 SW Butner Road</b> ANX 2019-0005	07/16/19	N
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Division		

**ANX2019-0005**  
**ANALYSIS AND FINDINGS FOR**  
**ANNEXATION APPROVAL CRITERIA**

**Metro Code Section 3.09.045. Expedited Decisions**

- A. *The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.***

**FINDING:**

The City of Beaverton received a Petition for a Consent Annexation that was signed by one hundred percent of the property owners. There are no additional electors that reside at the property. The City may thus use the expedited decision process for a minor boundary change and no public hearing is required.

Therefore, staff finds that the proposal satisfies Section 3.09.045(A).

- B. *The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objections to the boundary change.***

**FINDING:**

Metro Code Section 3.09.020.J defines necessary party as "any county; city; district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 195.003, that is party to any agreement for provision of an urban service to the affected territory." On July 23, 2019, 42 days prior to the date set for the first reading of the annexation ordinance, staff mailed notice of the proposal to the necessary parties. The notice stated that the petition is subject to the expedited process unless a necessary party gives written notice of its objections to the boundary change. As of the date of this staff report, no objections have been received.

Therefore, staff finds that the proposal satisfies Section 3.09.045(B).

- C. *At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:***

- 1. *The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;***

**FINDING:**

This staff report was posted on the City's website no later than August 27, 2019, which is seven days prior to the first reading of the annexation ordinance at the September 3, 2019, City Council meeting. The report was also made available for viewing at the Community

Development Department Public Counter by that same date.

Critical and essential urban services are already provided to the subject parcel by the county and area special service districts. Annexation of the property will mean a transfer of some services. The proposed annexation does not entail extraterritorial extensions of city services. More information on each urban service is provided below:

**Public Water:** The subject parcel is within the Tualatin Valley Water District (TVWD) and is served by TVWD. Pipes capable of serving the property exist within SW Butner Road. Pursuant to an intergovernmental agreement between the City of Beaverton and TVWD, and as part of the City's water services transfer program, the City is proposing to withdraw this property from TVWD. Subsequent to annexation, the City of Beaverton will assume responsibility for water service to the subject property. Consistent with the intergovernmental agreement, service area withdrawal from TVWD will not take effect until July 1, 2020.

**Public Sanitary Sewer:** The subject property is not currently connected to the public sanitary sewer system. There is an 8-inch sewer main owned and maintained by the City of Beaverton within SW Walker Road, which is approximately 390 feet southwest of the subject property. There is also an 8-inch sewer main owned and maintained by Clean Water Services in a portion of SW Butner Road that is approximately 390 feet northeast of the subject property. Subsequent to annexation, if a sanitary sewer line is constructed within SW Butner Road to serve the property, the City will assume maintenance responsibility for the extended sanitary sewer line consistent with the intergovernmental agreement between Clean Water Services and the City of Beaverton.

**Stormwater Drainage:** There is an existing open conveyance storm ditch within the adjacent SW Butner Road right of way owned by Clean Water Services and maintained by Washington County. That storm ditch connects to a 12-inch stormwater line owned and maintained by Clean Water Services within SW Butner Road approximately 210 feet to the south of the subject property. Subsequent to annexation, the city will assume maintenance responsibility for any stormwater lines with a diameter of fewer than 24 inches within the annexed portion of SW Butner Road.

**Transportation:** The subject parcel is an interior lot with homes on either side. SW Butner Road in front of the property is a Neighborhood Route. SW Walker Road to the southwest of the property and SW Murray Boulevard to the east of the property are both designated as Arterials on the City's Functional Classification Map. The property has good transportation access and is just over half a mile from a Highway 26 onramp. Because the segment of street in front of the parcel is designated a county numbered street, Washington County will continue to provide street maintenance to that segment after annexation occurs.

**Fire:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. TVF&R is designated as the long-term service provider to this area and will continue to serve the subject property after annexation.

**Schools and Parks:** The proposed annexation is within the Beaverton School District. Because the proposed action does not propose new residential use of the property, school

enrollment will not be affected by the proposed annexation and no additional service demands will be imposed upon the school district. Potential impacts affecting enrollment would incur if the property is redeveloped in the future. The subject property is within the Tualatin Hills Park & Recreation District. Subsequent to annexation, school district and park district boundaries will remain unaffected.

**Police Protection:** The property to be annexed receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property will be withdrawn from the ESPD, and the City of Beaverton will provide police service upon annexation. In practice, whichever law enforcement agency is able to respond first to an emergency does so in accordance with a mutual aid agreement.

**Planning, Zoning, and Building:** Washington County currently provides long-range planning, development review, and building inspection services to the property. Once the annexation becomes effective, the City will conduct all planning and zoning functions associated with the property. The Beaverton land use and zoning district designations will be applied to the 14070 SW Butner Road parcel after annexation by the City of Beaverton pursuant to City of Beaverton Comprehensive Plan procedures and Development Code rules. Those land use and zoning changes will be completed through a separate but concurrent process. No City Comprehensive Plan designations or zoning districts will be applied to the right of way at this time. The County designation will remain in the interim until a City designation and zoning district are applied.

***2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and***

**FINDING:**

As part of this annexation proposal, the City of Beaverton is proposing that the property be withdrawn from Tualatin Valley Water District's service territory so the City of Beaverton can assume the role of primary water service provider for the property over time. This action is being proposed pursuant to an agreement that the City has with TVWD to take over water service for specific areas of City.

Additionally, the property will be withdrawn from the Washington County Enhanced Sheriff's Patrol and Urban Road Maintenance Districts. The proposed annexation will not require withdrawal of territory from any other service districts identified as necessary parties, including Clean Water Services, Tualatin Valley Fire & Rescue, and Tualatin Hills Park & Recreation District.

***3. The proposed effective date of the boundary change.***

**FINDING:**

ORS 222.180 specifies that the date an approved annexation becomes effective is determined by the date the Secretary of State files the jurisdiction's decision with its office. ORS 222.180 also specifies that when annexation proceedings are initiated by a city, the city may specify a later effective date than that determined by the Secretary of State.

The City of Beaverton's annexation process requires that the proposed ordinance receive first and second readings on consecutive City Council meeting dates. Additionally, Section 36 of the City's Charter specifies that city ordinances shall take effect 30 days after their adoption by the Council and approval of the Mayor.

The property and adjacent right of way shown on Exhibit C of the ordinance, and described in Exhibits A and B, are hereby annexed to the City of Beaverton effective upon the date the ordinance is filed with the Secretary of State (as specified by ORS 222.180) or 30 days from the date of the annexation ordinance's adoption, whichever is later.

**Therefore, staff finds that the proposal satisfies Section 3.09.045(C).**

**D. To approve a boundary change through an expedited process, the city shall:**

**1. Find that the change is consistent with expressly applicable provisions in:**

**a. Any applicable urban service agreement adopted pursuant to ORS 195.065;**

**FINDING:**

Cooperative, urban service, and/or intergovernmental agreements affecting provision of service to the subject property have been established with all critical and essential special district service providers. This includes Clean Water Services, Tualatin Valley Fire & Rescue District, and Tualatin Hills Park & Recreation District.

No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation. This action is consistent with existing agreements.

**b. Any applicable annexation plan adopted pursuant to ORS 195.205;**

**FINDING:**

The City has not submitted or received voter approval for an annexation plan related to this annexation, so this criterion is not applicable.

**c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;**

**FINDING:**

As noted in the findings above, the City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire & Rescue District, Tualatin Valley Water District, and Tualatin Hills Park & Recreation District. These agreements call for coordination of planning activities between each service district and the City. Although annexations are not subject to coordination under the agreement language because annexations do not trigger an immediate change in service provision from the special districts, as necessary parties, the subject districts have been notified of this proposed annexation.

**d. Any applicable public facility plan adopted pursuant to a statewide**

***planning goal on public facilities and services;***

**FINDING:**

The city's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services that exist in the city: stormwater drainage, potable water, sewage conveyance and processing, parks and recreation, schools, and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. Staff could not identify any provisions in the Washington County Public Facilities Plan or special district plans applicable to the proposed annexation.

**e. Any applicable comprehensive plan;**

**FINDING:**

Staff reviewed both City and County comprehensive plan documents found three applicable plans, described below.

**City of Beaverton Comprehensive Plan:** There is one policy in the City's Comprehensive Plan that is relevant to annexations. Policy 5.3.1.d states that "the City shall seek to eventually incorporate its entire Urban Service Area." The subject property and adjacent right of way are within the Assumed Urban Services Area, which is Figure V-1 of the Comprehensive Plan. The annexation proposal is therefore consistent with the City's Comprehensive Plan.

**Washington County Cedar Hills-Cedar Mill Community Plan:** The subject site is located within the boundaries of Washington County's Cedar Hills-Cedar Mill Community Plan, which is one of a number of planning elements that together comprise the Washington County Comprehensive Plan. Staff reviewed this plan and did not find any policies relevant to the proposed annexation.

**Washington County Comprehensive Framework Plan for the Urban Area:** There are two policies in Washington County's Comprehensive Framework Plan for the Urban Area that are relevant to annexations. The relevant policies are:

*Policy 3, Intergovernmental Coordination: It is the policy of Washington County to effectively coordinate its planning and development efforts with federal, state, and other local governments and special districts to ensure that the various programs and activities undertaken by these bodies are consistent with the County Comprehensive Plan; and*

*Policy 15, Roles and Responsibilities for Serving Growth: It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do*

*so in a cost effective and efficient manner.*

Subsequent to annexation, the City of Beaverton will apply its comprehensive plan and zoning district designations to the subject property. Selection of the appropriate designations will be dictated by the City of Beaverton pursuant to City of Beaverton Comprehensive Plan procedures and Development Code rules.

***f. Any applicable concept plan; and***

**FINDING:**

There are no concept plans for the area of the proposed annexation so this criterion is not applicable.

**2. Consider whether the boundary change would:**

***a. Promote the timely, orderly, and economic provision of public facilities and services;***

**FINDING:**

Changes that affect public facility and service provisions to individual properties are generally subject to agreements between the City of Beaverton, Washington County, and special districts. These agreements are adopted and periodically updated to address which urban service provider will assume responsibilities for service in the event of a boundary change. By entering into these agreements and through the adoption of planning documents, the City and its service district partners have attempted to ensure that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable.

***b. Affect the quality and quantity of urban services; and***

**FINDING:**

Responsibilities pertaining to the provision of public facilities and services will either remain unchanged or transfer to the City. In general, because cities provide services on an urban scale, they can provide services at a level equal to or higher than what is provided in unincorporated areas. Annexation to the City of Beaverton will therefore retain or enhance the quality and quantity of urban services for the annexed area.

***c. Eliminate or avoid unnecessary duplication of facilities or services.***

**FINDING:**

This staff report identifies which agency will be responsible for the provision of urban services in this area. The City and service providers have agreements that specify which agency provides services and these agreements therefore fulfill the role of eliminating duplication.

**Therefore, staff finds that the proposal satisfies Section 3.09.045(D).**

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.**

FINDING:

The territory proposed to be annexed into the City of Beaverton lies wholly within the UGB.

**Therefore, staff finds that the proposal satisfies Section 3.09.045(E).**

**CONCLUSION**

Based on the facts and findings presented, staff concludes that the proposed owner-initiated annexation meets all pertinent criteria outlined in Metro Code Section 3.09.045 for an expedited annexation.

Therefore, staff recommends that City Council adopt an ordinance annexing one parcel of land and right of way adjacent to the property; withdrawing the property from the Tualatin Valley Water District, the Washington County Enhanced Sheriff's Patrol District, and the Washington County Urban Road Maintenance District; and adding the property to the Five Oaks/Triple Creek Neighborhood Association Committee, effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or 30 days from the date the ordinance is signed, whichever is later.